

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Timothy Fisher,

5 Plaintiff

6 v.

7 A. Dicus, et al.,

8 Defendants
9

2:16-cv-02816-JAD-VCF

Order Dismissing Case

10 Pro se plaintiff Timothy Fisher served a sentence at the High Desert State Prison (HDSP)
11 and brings this civil-rights action against multiple defendants—primarily Correctional Officer
12 Dicus—for events that allegedly occurred while he was incarcerated.¹ Fisher no longer resides at
13 the address that is on file with the Court, so he was ordered to update it as Local Rule IA 3-1
14 requires, and he was warned that his failure to do so within 30 days would result in dismissal of
15 this action without prejudice.² That 30-day deadline has now expired, and Fisher has not updated
16 his address or otherwise responded to the Court’s order.

17 District courts have the inherent power to control their dockets and “[i]n the exercise of
18 that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.³ A
19 court may dismiss an action with prejudice based on a party’s failure to prosecute an action,
20 failure to obey a court order, or failure to comply with local rules.⁴ In determining whether to
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22 ¹ ECF No. 1-1.

23 ² ECF No. 6.

24 ³ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

25 ⁴ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with
26 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to
27 comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439,
28 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs
to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.


1 dismiss an action for lack of prosecution, failure to obey a court order, or failure to comply with
2 local rules, the court must consider several factors: (1) the public's interest in expeditious
3 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
4 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
5 availability of less drastic alternatives.⁵

6 I find that the first two factors weigh in favor of dismissal. The risk-of-prejudice factor
7 also weighs in favor of dismissal because a presumption of injury arises from the occurrence of
8 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.⁶ The fourth
9 factor is greatly outweighed by the factors in favor of dismissal, and a court's warning to a party
10 that his failure to obey the court's order will result in dismissal satisfies the "consideration-of-
11 alternatives" requirement.⁷ Fisher was warned that his case would be dismissed without
12 prejudice if he failed to update his address within 30 days.⁸

13 Accordingly, IT IS HEREBY ORDERED that this action is **DISMISSED without**
14 **prejudice** based on Fisher's failure to file an updated address in compliance with this Court's
15 November 6, 2017, order.

16 The **Clerk of Court** is directed to **ENTER JUDGMENT** accordingly and **CLOSE**
17 **THIS CASE**.

18 DATED: December 19, 2017.

19 
20 U.S. District Judge Jennifer A. Dorsey

21 _____
22 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,
23 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

24 ⁵ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130; *Ferdik*,
25 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

26 ⁶ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

27 ⁷ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

28 ⁸ ECF No. 6.